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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,669	10/23/2006	Frederic Ponson	5310-09300	9953
35690	7590	12/08/2009	EXAMINER	
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			HOLMES, JUSTIN	
ART UNIT	PAPER NUMBER			
3655				
NOTIFICATION DATE	DELIVERY MODE			
12/08/2009	ELECTRONIC			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/566,669	<b>Applicant(s)</b> PONSON ET AL.
	<b>Examiner</b> JUSTIN HOLMES	<b>Art Unit</b> 3655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 07 October 2009.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-5,8,10-14 and 16-21 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5,8,10,18,20 and 21 is/are rejected.

7) Claim(s) 11-14, 16, 17, 19 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. The Examiner acknowledges receipt of the Amendment filed on October 7, 2009. Claims 6, 7, 9, 15 and 22 have been cancelled. Accordingly, claims 1-5, 8, 10-14 and 16-21 are currently pending.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, 8, 10, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2003/0051960 to Li et al. in view of U.S. Publication No. 2002/0148697 to Muramatsu et al.

Regarding claims 1 and 8, the Li et al. publication teaches a freewheel bearing device, of the type comprising an outer element 40, an inner element 44 placed in the outer element 40, and a freewheel 71 provided with at least one jamming element 74, between the inner element 44 and the outer element 40 to leave free a rotation movement in one direction to transmit a torque in the other direction between the outer element and the inner element. The at least one jamming element 71 is mounted between and in contact with the inner element 44 and a race 46 of the freewheel 71, the race 46 provided with a first cylindrical surface, in this case an outer surface, and a torque limiter member 60 capable of limiting the torque transmitted by the freewheel 71, the torque limiter member 60 being placed radially on a second cylindrical surface of the

race 46 of the freewheel, in this case the inner surface of the race, between the race 46 and the outer element 40 which the at least one jamming element 74 is not in contact. A sleeve bushing 29 is positioned between the race 46 and the outer element 40. See Fig. 2.

However, the Li et al. publication lacks a teaching of the bearing being a rolling bearing.

The Muramatsu et al. publication teaches a rolling bearing 41 between an inner member 2 and a race 22 and adjacent a one way clutch 20. The race 22 is positioned between the inner member 2 and the outer member 60. See Fig. 2.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Li et al. publication to include the rolling bearing as taught in the Muramatsu et al. publication as it is a substitution of parts for the sleeve bushing of the Li et al. publication to provide the predictable result of having relative movement between two parts facilitated by a rolling bearing.

Regarding claim 2, the torque limiter member 60 is mounted in series with the freewheel 71 to limit the torque transmitted by the unidirectional engagement member 74 in the torque transmitting position. See paragraph 24 of the Li et al. publication.

Regarding claims 3 and 4, the torque limiter member 60 comprises at least one friction element 64 having a radial friction surface. See Fig. 2 of the Li et al. patent.

Regarding claim 5, the friction element 64 comprises an axial friction surface delimited by two radial planes. See Fig. 2 of the Li et al. publication.

Regarding claim 10, the second cylindrical surface comprises two annular ribs, the two annular ribs as broadly recited in the claims is defined as the limit rings shown in Fig. 2 that hold the spring 66 and end plate (see part pointed to by reference number 60) in place, the torque limiter member 60 being placed between the ribs. See Fig. 2 of the Li et al. publication.

Regarding claim 18, the freewheel comprises a spring 71 provided with an end fixedly attached to the torque limiter member 60 and coils in friction contact on the inner element 44. See Fig. 2 of the Li et al. publication.

Regarding claims 20 and 21, the torque limiter member 60 comprises a friction element 64 and an element 66 for prestressing the friction 64 element against said race 46. See Fig. 2 of the Li et al. publication.

***Response to Arguments***

4. Applicant's arguments filed on October 7, 2009 have been fully considered but they are not persuasive. Specifically, Applicant has amended claim 1 to include "at least some of the features expressed previously in cancelled claim 9" as stated in page 6 of the Amendment. However, since all the elements in original claim 9 have not been incorporated the rejection of claims 1-5, 8, 10, 18, 20 and 21 is maintained.

***Allowable Subject Matter***

5. Claims 11-14, 16, 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN HOLMES whose telephone number is (571)272-3448. The examiner can normally be reached on 8:00am to 4:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David D. Le can be reached on 571-272-7092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JUSTIN HOLMES/  
Examiner, Art Unit 3655

/Rodney H. Bonck/  
Primary Examiner, Art Unit 3655